

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MALCOLM HOLCOMBE, §
§
Plaintiff, §
§
§
v. § CIV. A. NO. 4-17-cv-00522-ALM
§
§ JURY DEMANDED
ADVANCED INTEGRATION §
TECHNOLOGY and ADVANCED §
INTEGRATED TOOLING §
SOLUTIONS, LLC, §
§
Defendants. §
§

PLAINTIFF'S OBJECTIONS TO DEFENDANTS'
FEDERAL RULE 26(a)(3) PRETRIAL DISCLOSURES

TO THE HONORABLE AMOS L. MAZZANT:

In accordance with the Court's trial setting order (Doc. No. 26), Plaintiff Malcolm Holcombe makes the following objections to Defendants Advanced Integration Technology's and Advanced Integrated Tooling Solutions, LLC's disclosures under Federal Rule of Civil Procedure 26(a)(3)(A).

1. Objections under Federal Rule 32(a) to Defendant's Pretrial Deposition Designations

The parties recently filed an *Agreed Motion for Order Granting Consolidated Objections and Counter-Designations to Video Designations* (Dckt. 69). This follows the Court granting Plaintiff's *Unopposed Motion to Extend Deadlines for Video Deposition Designations* (Dckt. 60, 65). Under that order, Plaintiff will file deposition designations for the remaining depositions to be taken within three days after receipt of the Ptacek deposition transcript. According to the

parties' agreement, Defendants will file a consolidated document containing Defendants' objections to Plaintiff's designations and its own counter-designations. Plaintiff therefore anticipates that he may need to file additional objections to the counter-designated deposition excerpts. For now, Plaintiff objects to the following portions of Defendants' currently designated deposition testimony.

Geiser, Sarah (Apr. 17, 2018):

- 93:17-25, 94:1-6 – FRE 801-802 (hearsay); FRE 1002; violation of FRCP 26(a)(1) and Court's scheduling.

Moreno Melton, Erica (Oct. 22, 2018):

- 86:12-23 – FRE 401-403; FRE 602.

Steinmetz, Richard (Apr. 18, 2018):

- 49:7-18 – FRE 401-403

Wellham, Michael (Oct. 23, 2018):

- 33:11-14, 33:17-19 – FRE 801-802.

2. Objections to the Admissibility of Documents and Exhibits that Defendant Intends to Use at Trial

	Document/Exhibit	Identifier	Objection(s)
1.	Offer Letter dated August 5, 2013 to Plaintiff	AIT000016-17	
2.	Resumes of Malcolm G. Holcombe	Holcombe 000202-03; 000375-377	
3.	Memorandum dated February 25, 2016 from Karl Williams	AIT000134	

	Document/Exhibit	Identifier	Objection(s)
4.	Staffing and Cost Review	AIT000483-502, AIT000429-461	FRE 901-902
5.	March, 2016 Hourly RIF emails	Holcombe 000382-437	FRE 801-802
6.	Email dated March 31, 2016 from Sarah Geiser	AIT000128-29	
7.	Memorandum dated April 7, 2016 from Michael Wellham	AIT000133	FRE 801-802
8.	AIT Corporate Organizational Structure — April 2016	AIT000063-72	
9.	April 2016 Organizational Charts	A17000401-415	
10.	Email dated May 5, 2016 from Sarah Geiser	Holcombe 000198	
11.	AIT Michigan Organizational Structure — May 2016	AIT000053-62	
12.	Resume of William Pallante	AIT000233-236	
13.	Pallante Employment Application dated April 8, 2016	AIT000236-237	
14.	Pallante Offer Letter dated April 6, 2016	AIT000222-224	
15.	Email dated May 9, 2016 from Sarah Geiser	Holcombe000007	FRE 801-802
16.	Controller Applicants, Resumes and Notes From May and June, 2016	AIT000314-387	FRE 401-403; FRE 602; FRE 901-902
17.	Labor Costs and Financial Data Review Dec. 2015 to April 2016	AIT000675-682	FRE 901-902
18.	Employee Spreadsheet	AIT000464-467	FRE 801-802
19.	Employee Spreadsheet	AIT000468-469	FRE 801-802
20.	Employee Spreadsheet	AIT000470-474	FRE 801-802
21.	W. Pallante Email to M. Ptacek, L. Weiner dated June 28, 2016	AIT000388	

	Document/Exhibit	Identifier	Objection(s)
22.	Steinmetz Subcontract Employment Agreement dated July 2, 2016	AIT00043	
23.	Resume of Richard W. Steinmetz	AIT000205-06	
24.	Geiser Memo re Steinmetz dated July 8, 2016	Holcombe000043	
25.	Email dated April 18,2016 from Karl Williams	AIT001981-85	FRE 401-403; FRE 801-802
26.	Division Controller Job Description	Holcombe 000071-72	FRE 901-902
27.	Michael Wellham Email dated August 3, 2016 to K. Williams enclosing copy of wage review	AIT000117-118	FRE 801-802
28.	Termination Letter dated August 12, 2016 to Plaintiff	AIT000013	FRE 801-802
29.	A1T Michigan Organizational Structure — August 2016	A1T000073	
30.	Plaintiffs Email to E. Moreno dated August 13, 2016	AIT000120	
31.	Glenn Dobbs Offer Letter dated March 6, 2015	AIT001313-1315	
32.	Glenn Dobbs Resume	AIT001323-1325	FRE 801-802; FRE 901-902
33.	Clint Peacock Job Application dated March 16, 2010	AIT000904-905	
34.	Tom Mann Offer Letter dated July 21, 2014	AIT000954-956	
35.	Christopher Stemmer Resume	AIT000738-739	FRE 801-802; FRE 901-902
36.	AIT Michigan Employee Manual	AIT000074, AIT000088-89	
37.	Email dated April 13, 2015 from Ed Chalupa	AIT001986	FRE 401-403; FRE 801-802
38.	AIT Organizational Charts 2013, 2014, 2016	AIT000475-482	
39.	June 11, 2018 Durham Report		FRE 702-705; FRE 801-802; objection b/c witness is available for live testimony; FRCP 26(a)(2);

	Document/Exhibit	Identifier	Objection(s)
			inadmissible expert report.
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	Document/Exhibit	Identifier	Objection(s)
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3. Objections to Witnesses Who Defendant Intends to or May Call as Witnesses

Defendants have not yet disclosed the subject-areas about which its expected and potential witnesses will or may testify. Plaintiff's counsel deposed each of Defendants' designated witnesses (other than the unnamed record custodian). That testimony contains portions that are objectionable as irrelevant (Fed. R. Evid. 402-403), as containing hearsay (Fed. R. Evid. 801-802), and/or lacking in foundation (Fed. R. Evid. 602). Plaintiff therefore reserves any objections as to the use of listed witnesses' testimony until such time as Defendants have disclosed the topics about which an individual will or may testify.

Dated: November 16, 2018

Respectfully submitted,

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By: /s/ James D. Sanford

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ATTORNEYS FOR PLAINTIFF
 MALCOLM HOLCOMBE

CERTIFICATE OF SERVICE

The undersigned certifies that he caused a true and correct copy of this document to be forwarded today, November 16, 2018 via the Court's ECF system to:

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